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A CONFLICT OF EVIDENCE.

BY RODRIGUES OTTOLENGUI.

Author of "An Artist in Crime."

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SYNOPSIS OF PREVIOUS INSTALLMENTS.

In order that new readers of THE ENQUIRER may begin with the following installment of this story, and understand it just the same as though they had read it all from the beginning, we here give a synopsis of that portion of it which has already been published:

CHAPTER I.—Fifteen years before the opening of the story John Lewis went to live in a place called Lee, in New Hampshire, with a little girl 6 years old, Virginia, the daughter of his deceased sister. He had a son who had been left at school, but ran away and shipped for China. Five years after Lewis went to Lee a family named Marvel came to settle there. Young Walter Marvel met and loved Virginia Lewis. Alice Marvel, Walter's sister, and Harry Lucas also met and were reported to be in love with each other. At the opening of the story a person purporting to be the missing son of John Lewis arrives at Lee. Walter Marvel proposes for Virginia, but she refuses, who refuses, telling him that his uncle, whose name he bears, was a villain and a convict. Young Marvel draws a pistol and shoots at Lewis, but his aim is diverted by Virginia. Soon after Lewis is found dead in a room with two bullet holes in his body. His death occurs simultaneously with the arrival of the man who claims to be his son. II.—Mr. Barnes, the celebrated detective, and Tom Burrows, another detective, take up the case, strongly suspecting Virginia as the criminal. III.—They examine the grounds about the house where the murder is committed and find footprints of a man and a woman, the woman's footprints strengthening their suspicions of Virginia. They also find two pistols, one marked "Virginia Lewis," the other "Alice Marvel." Virginia writes a letter and goes away with it. Barnes, disguised, follows her. IV.—Virginia gives her letter to one Will Eversly, who posts it. Barnes keeps his eye on it, gets possession of it and thus learns the whereabouts of Walter Marvel. V.—Virginia visits Alice Marvel, who betrays a knowledge of the murder. VI.—John Lewis, the supposed son of the murdered man, produces envelopes addressed to him to prove his identity. He excites suspicion by leaving his room at midnight. VII.—An autopsy is made of the dead man, and Barnes arrives at Lee with young Marvel, and an inquest is held, at which Alice Marvel testifies that she fired one of the shots that killed Lewis, and that she confesses that she murdered her uncle, presumably to shield the real murderer.

CHAPTER X.

VIRGINIA LEWIS TESTIFIES.

When Alice made the statement that she had shot Mr. Lewis, all present for a moment sat dumb with amazement. When they saw that she had fainted, all were immediately possessed by the desire to minister to her wants, the result being, as is usual in such cases, that the prostrate form of the young woman was surrounded, and she was deprived of all chance of fresh air. Fortunately Dr. Snow was present, and, calling upon Lucas to assist him, together they bore her from the room, permitting only a couple of women to follow them.

The squire, utterly confounded at the unexpected turn of events, scarcely knew what to do next, and in order to gain time declared a recess of ten minutes. The juryman started to leave their seats, but the squire requested that they would not do so and that they would not converse about the case with the other persons present. The crowd fell to discussing the situation and a hum of voices filled the room. Mr. Barnes and Mr. Tupper arose and went on the stand with the squire.

"Well, gentlemen," said the squire, "this is a surprising affair. What shall we do now?"

"Mr. Barnes," said the lawyer, "you are more conversant with the case. What is your opinion of Miss Marvel's statement?"

"Gentlemen," said Mr. Barnes, "it is evident that Miss Marvel really believes that she killed Mr. Lewis. It is plain to my mind, however, that we should be most careful in accepting such a theory. In the first place I would call attention to the evidence offered by Dr. Snow. He tells us that he found two wounds, one having passed through the nightdress, and the other not. This simple fact proves beyond doubt that the deceased changed his clothing after receiving the first wound. Therefore it is manifestly clear that the shot which Miss Marvel admits she fired at him could not have proved fatal, for if so we would be obliged to believe that the other wound was made by the bullet from the pistol of Lucas in order to account for their being two wounds, but these shots followed in such close succession that there was not time for him to have effected the change of clothing.

"There is, however, a bare possibility that he had already received the first wound and was in bed, when, attracted by the dog, he arose and went to the window. In that case he might have been killed by the bullet from Miss Marvel's weapon. Thus far, however, we have no evidence that would substantiate a suspicion of this kind. Miss Carpenter and Mr. Eversly would have heard the report if a shot had been fired earlier. Miss Carpenter heard shots at 9 o'clock, the time when Miss Marvel discharged her weapon. There is, however, more convincing evidence which I can adduce to corroborate me in the stand which I take. I am in doubt whether the wound which did not prove fatal was made by Miss Marvel or not, or whether by Lucas, either accidentally, as he claims to have fired, or with design. But I am positive that neither of the shots fired at that hour was the one which destroyed the life of the deceased."

"You allude to the scrap of paper of which you told me, do you not?" asked Mr. Tupper.

"I do," replied Mr. Barnes. "But let me explain to the coroner, so that he may be convinced of the necessity of continuing. I found upon the table in the parlor a sheet of paper upon which was written, 'If I am dead in the morning, my murderer is'—the sentence being unfinished. This seems to prove

that Mr. Lewis recognized his first assailant at least, and that, fearing death, he meant to warn us as to the identity of the person. True, the name does not appear, but the words are sufficiently significant. I presume there is no doubt as to the writing?" Mr. Barnes handed the paper to the squire, who examined it closely and with great interest. After a moment he replied:

"I recognize this as the handwriting of Mr. Lewis. I am perfectly familiar with it, and there can be no doubt."

"The deduction then is self-evident," continued Mr. Barnes. "Dr. Snow has testified that death was instantaneous. Consequently this writing refers to the first assailant. Therefore, unless it can be shown that he received a wound prior to 9 o'clock Miss Marvel did not inflict the fatal wound, if her shot reached him at all. There is a break in the plastered ceiling of the parlor, showing the furrow of a bullet. That was probably made by Miss Marvel or by Lucas. We cannot determine which."

"Mr. Barnes," said the squire, "your reasoning convinces me that whatever may have been the girl's intent when she fired her bullet did not kill Mr. Lewis. The worst that can be claimed is that she is responsible for the lesser wound, and, as you say, even that would be difficult to prove. If you take the same view, Mr. Tupper, we will continue."

"I certainly agree with Mr. Barnes in all his deductions," said Mr. Tupper. "I am confident that we do not yet know who fired the last shot. It would help us if we could discover what name was meant to complete that sentence, and if you will now call Miss Lewis, acting upon a suggestion from Mr. Barnes, I hope to learn it."

The squire then announced that the inquest would be continued, and immediately all resumed their seats and ceased talking.

"Gentlemen," said the squire, addressing the jury, "Mr. Barnes, the detective in this case, the district attorney and myself are satisfied that a true verdict cannot be rendered without more evidence. Therefore, notwithstanding the words uttered by the last witness, we will proceed. I will merely call your attention to the fact that, though Miss Marvel admits that she fired at Mr. Lewis, Dr. Snow testified that he found two wounds. Miss Marvel could not inflict two wounds by firing one shot and cannot know herself whether or not she has committed a homicide. Call Virginia Lewis."

Virginia entered and took the stand. Mr. Tupper conducted the examination.

"Miss Lewis," he began, "I believe you are the only one save the deceased who slept at the farm on the night when your uncle died?"

"I believe that is true."

"Did you hear any shot fired while you were in the house?"

"I did not."

"Then you have no idea who killed your uncle?"

"Any idea that I have would be no proof and therefore is not worth consideration."

"Ob, you suspect some one, do you?"

"Any suspicion which I may have would not be evidence."

"Were you in the house all the evening?"

"No, sir."

"At what time did you go out, and when did you return?"

"I did not expect to be questioned and so made no note of the hours."

"Will you tell us where you went?"

"I will not, as that is my private affair."

"No one's affairs are private when murder has occurred. However, since you refuse I will tell you where you went. First, you met a man in the summer house, and then you crossed the river to meet another man." The lawyer paused, waiting to note the effect of his words, but Virginia remained impassive.

"I will go further and tell you that the first was Harry Lucas, and, more, that you invited him to the meeting. Since I have shown you how much I know, you will doubtless see the folly of any attempt at concealment."

"Since you seem to be so well informed, I cannot see why you appeal to me at all."

"We do not claim to know everything. Will you please tell us why you asked Mr. Lucas to meet you?"

"I had a private commission to give him."

"Do you refuse to give us any information as to the nature of this commission?"

"I do."

"Miss Lewis," said the lawyer, "I have intimated that we have discovered the identity of one of the men whom you met that night, and it is perhaps as well to tell you that we also know who the other was."

"You appear to have learned a great deal," replied Virginia coldly.

"We have found out something, but not all that we wish to know. You met Mr. Lucas. Your conversation was overheard, and we therefore know that you sent for him to ask his aid. You expected to meet Mr. Marvel. Mr. Tupper spoke in his usual measured tones, and both he and Mr. Barnes watched Virginia closely, but even at this name she did not flinch. Mr. Barnes wondered how she would act when they would produce the man himself. Mr. Tupper continued:

"You told me that you feared he would do so?"

"I see that you have managed to discover all that Miss Marvel knew. Will not that suffice?"

"We wish to know why you were so fearful of leaving this young man to his own society."

"I believe such a thing as 'fear' is unknown to me, so you are far from the truth. No man is in an enviable frame of mind when a woman rejects him. Was it extraordinary, then, that I should have wished his friend to join him at such a time?" She spoke with considerable feeling.

"No, Miss Lewis, your action under the circumstances was very commendable. But did you not have a deeper motive? Did you not think that he might become desperate enough to take life?"

"I admit that I did."

"Whose—your uncle's?"

"No, no! I thought he might commit suicide; he is passionate and impulsive. I thought that in a moment of despair he might raise his hand against himself. He would never take another's life."

"He attempted to do so once before, I believe?"

To this Virginia made no reply, but her face assumed an expression of the utmost contempt.

"Miss Lewis," continued the lawyer, "will you kindly tell us about how long you remained at the interview with Mr. Marvel? I don't expect any exact reply. An approximate one will do."

"I cannot tell very closely, though I know about when I reached the house again. But I will not answer unless you explain why you wish to know."

Mr. Tupper had recognized at the outset that Virginia was not to be frightened into anything, and he determined to deal with her openly.

"I will do so willingly," said he. "We have found that you left the summer house at or near 9 o'clock. Soon after several shots were fired, one at least at the deceased. We are not sure, however, that either of these killed your uncle. Now, if you can give us the time when you returned, it may be the means of proving whether he was alive or dead at that hour. These matters of time often prove of inestimable value."

"Very well. It was half past 10 when I reached my room."

"Thank you." It was his cue to conciliate her as far as possible. "When you went in, did you pass through the parlor?"

"No, sir. I entered my apartment by the door opening into the dining room."

Mr. Barnes believed that this was true, for he had traced her footprints from the steps of the piazza by the dining room, and returning they reached the same place. Thus she must have entered the house at that point, and naturally passed through the dining room to her own chamber. Resuming the examination, Mr. Tupper asked:

"During the night did you hear your uncle moving about?"

"No, sir."

"Now let us come to the discovery of the crime. You will recall that when the detectives accidentally disturbed you in your room, the morning after, you admitted that you had already murdered. Thus you were the first to do so. Is that a fact?"

"I believe so. At least it is true that I knew of the death of my uncle at that time."

"Exactly. You had gone into the parlor, and you had found the body, which you recognized as that of your uncle, or I may say stepfather, before the squire and the others arrived?"

"Yes, sir."

"Did you take anything from the room?"

"Yes, sir; I took a pistol."

"Where did you find this pistol?"

"On the floor."

"Why did you take it?"

"Because it is mine and has my name on the stock, and because I found by any one else it might have been unpleasantly suggestive."

"I believe it showed evidence of having been fired off, did it not?"

"That was another reason why I was anxious to have it."

Virginia was causing profound astonishment by her admissions. Even Mr. Barnes himself was puzzled to understand why she should acknowledge that she had purchased the weapon to avoid suspicion, when that very confession would undoubtedly attract a closer investigation into her connection with the crime.

"Miss Lewis," said Mr. Tupper, "how came your pistol to be discharged?"

"I used it constantly, and therefore it is quite possible that I fired at something on Saturday."

"That is, the day before the murder?"

"Yes, sir."

"How did it happen to be out of your possession on Sunday night?"

"I had it when I started out, but changed my mind about taking it with me, and as I passed through the parlor I laid it on the mantel."

This answer suggested the possibility that this was the pistol used by Mr. Lewis when he fired at Lucas, as had been testified by Miss Marvel. The next question was:

"Now, if you please, will you explain why, if you were so anxious to avoid suspicion by hiding the pistol, you should now be so ready to tell the whole story?"

"I never intended to conceal the fact that the weapon was found by me where it was, but I thought that if I offered it in evidence myself I would avoid the suspicion which might naturally enough have been aroused had any other person made the discovery."

Mr. Barnes knew this was not true and that her first intention had been to destroy all trace of the use of the pistol, as was plainly proved by her having cleaned the barrel. He knew also that she was at present following out the plan which she had formed after she had seen him pick up the cartridge case in her room, the first step in which had been to replace the empty shell by

another. Her examination was continued.

"Did you remove anything else from the room where the corpse lay?"

"I did."

This reply was a complete surprise to Mr. Barnes. He knew that Mr. Tupper was alluding to the paper upon which, they thought, was written the name of the murderer, and he was astonished to find that she appeared about to admit its possession. The next question was:

"Will you kindly state what that was and why you took it?"

"It was a medallion locket. I took that also because it is mine."

Mr. Barnes now understood why she had admitted taking something, since it was not the paper. He was nevertheless curious about this new point.

"Where did you find this locket?" asked Mr. Tupper.

"I noticed that my uncle had his fist tightly closed, as though holding something, and, forcing it open, I removed the locket."

"Have you it with you?"

"Yes, sir." Taking it from her bosom, she handed it to him. Mr. Tupper examined it closely and opened it. Looking at the portrait which it contained, he asked:

"Do you know whose likeness this was quite a child?"

Mr. Tupper was about to pass the trinket to the squire, when, as he closed

it, something attracted his attention, and scrutinizing it more carefully he dropped it into his pocket and asked:

"Miss Lewis, I think you said that this belongs to you?"

"Yes, sir, though I have not had it for some time."

"Ah! How was that?"

"I had concluded that it was lost, but now I see that my uncle must have had it."

"How can you be sure that this is yours? Has it your name or any other mark by which you would know it?"

"No; there is no name on it, but I know that it is mine, for, as you see, it is of a peculiar pattern. I have seen that my mother had it made especially for my picture, and it has been in my possession, except lately, for as long as I can remember."

Mr. Tupper pondered a second, but said no more on this subject at that time. Nor did he pursue the point about the piece of paper directly, but determined to approach that by another method.

"Now, then, Miss Lewis, we will go back to the meeting across the river, if you please. Did you meet Mr. Marvel? But stop—you have already admitted as much. Tell us whether you left him on the other side or whether he crossed over with you."

"We separated before I rowed back to the farm."

"Then you left him across the river?"

"Yes, sir."

"Did he say where he meant to go?"

"To Epping."

This seemed doubtful to Mr. Barnes in the face of the fact that he had found Marvel at Portsmouth, but then he remembered that Joseph Harrison had testified to meeting Marvel at Epping on the morning after the murder. Mr. Tupper continued:

"Did he say where he would go after that?"

"He did not lay out a route and furnish me with a complete plan of his movements for the future. He did, however, mention that he would return to Epping, from which place he had come that night."

"Do you think that he proceeded to that place immediately after leaving you?"

Virginia was very cautious, now that she had furnished information about her lover.

"How should I be able to reply definitely?" said she.

"Do you know, then, whether he crossed the river and visited the house after parting with you?"

"I should say not, as I took the boat."

"Do you mean to say that you did not see him after you left him at the maple tree?"

"I mean to say that I have not seen him since then."

"Then, why should he have crossed the river?"

"What makes you think that he did so?"

"I do not think; I know."

"You cannot know unless you saw him, and that is impossible."

"Miss Lewis, there was snow on the ground, and not only do I know from his footprints that he visited the farm, but that he actually went to the very door by which you had re-entered. Of course I cannot know that he went in, for unfortunately there is no snow within, as without."

Virginia was silent, and despite her strong control of her features it was evident that she was troubled.

"Now, then," said the lawyer, continuing, "the question arises, Why did Mr. Marvel visit your house at that late hour? You say he did not see you, could it be that he sought your uncle, hoping to effect a reconciliation? I understand that the only obstacle to your union was his opposition, was it not?"

"That Mr. Marvel should have sought my uncle at that hour is preposterous. You say that he did come to the house, which I doubt, but even though he did not succeed in seeing me, is it not more probable that it was his object to do so?"

"It so, how is it that he did not succeed?"

"I retired as soon as I reached home and did not hear any one enter after me. That is why I doubt your theory, for I am a light sleeper."

Mr. Tupper now executed a bold move. Taking the paper which Mr. Barnes had found in the parlor of the farmhouse, he folded it so that only the first half of the sentence could be read.

Approaching Virginia, he suddenly held it up before her eyes and said:

"Did you ever see this before?"

This was so unexpected that Virginia was thrown off her guard. At the first glance she smothered an exclamation and hurriedly put her hand to her breast. Instantly, however, her agitation passed, and she replied quite calmly:

"No. Never."

"I believe you, for had you done so it would never have reached my hands. Now please take it and examine it closely."

She did so, and then said, "It looks like my uncle's writing, and it would seem that he tried to communicate to us the name of his assailant."

"Precisely, and, more, he made another attempt and succeeded. Miss Lewis, the second paper is in your possession."

"You are mistaken," she replied coldly.

"I am not. I say not only did you take that paper, but you have it secreted about your person at this very minute."

Virginia answered by a half scornful smile. Mr. Barnes showed some little excitement. He was accustomed to deal with wary criminals, but had never met a woman so provokingly self-possessed as this one.

"Come, Miss Lewis," said Mr. Tupper, "it is useless to deny what I say. I set a trap for you deliberately, and you were caught, in spite of all your strength of will. When I showed you that paper, I well knew you had no idea that it existed, and therefore my object was to see what you would do, believing that your first glance would make you think it was the other paper. As I expected, you at once feared that you had lost it and instinctively felt for it in the bosom of your dress."

"Did I?" with a shrug of the shoulders.

Mr. Tupper looked at her a moment and then, with his eyes still intently upon her, he said, "Call Walter Marvel."

TO BE CONTINUED.

Miscellaneous Reading.

ADDRESS TO COTTON GROWERS.

President Wilborn Calls For Delegates to Meet in Atlanta.

President Wilborn, of the South Carolina Farmers' Alliance, has, in accordance with the suggestion of the cotton convention which met in Columbia recently, issued a call to the cotton growers of the south. It is as follows:

COLUMBIA, S. C., Nov. 19, 1897.

To the Cotton Growers of the South:

At a large and enthusiastic meeting of the cotton growers of the state of South Carolina, wherein all sections of this state were represented, it was resolved that every state in the south be invited to send delegates to a convention to be called to meet in Atlanta, Ga., December 14, 1897. The purpose of this convention is to organize the cotton growers of the south, thereby securing unity of action in the marketing and sale of this great staple, also to devise ways and means by which we may be able to break and throw off the shackles of business slavery that now binds us. With foreign exchanges dictating the price, we can only expect ruin and distress in the future. We can achieve independence only by organization.

With a view of securing an exchange of ideas and perfecting an organization which it is hoped will result in good, I have been instructed to call a convention of delegates from all the cotton growing states to meet in Atlanta, Ga., on the 14th of December, 1897.

All who are interested in this cause are most earnestly requested to cooperate. The governors of the cotton growing states have been asked to send delegates and all state organizations interested in the prosperity of the cotton growers are requested to name and secure the attendance of delegates at this general convention.

J. C. WILBORN, President South Carolina Cotton Growers' Association.

President Wilborn has in the following letter, asking Governor Ellerbe to seek the cooperation of all of the southern governors:

COLUMBIA, S. C., Nov. 19, 1897.

His Excellency, W. H. Ellerbe, Governor of South Carolina:

DEAR SIR—Will you kindly ask the governors of the cotton growing states to appoint delegates to the Cotton Growers' convention which has been called to meet in Atlanta, Ga., December 14, 1897?

The purpose of this convention is to consider the marketing, sale and price of cotton and to devise some plan, if possible, by which the producers of this great staple may receive a price above the cost of production.

We realize that concert of action among the farmers of the south is essential, therefore I urge that earnest, practical farmers be appointed from each state. The representation we would ask for is one for each congressional district and two from each state at large, to assemble in Atlanta, Ga., December 14, 1897. With the hope of your kind cooperation, I am,

Most respectfully,
J. C. WILBORN, President South Carolina Cotton Growers' Association.

Governor Ellerbe has already indicated his intention of doing what he could to help the cotton growers along in their work.

BICYCLE LAW IN RUSSIA.

The Russian police take things very seriously, and it was natural enough that the bicycle should cause them anxious thought. Fancy a militant Nihilist scorching through the Nevski Prospect, with his tool-bag full of dynamite! It was after some horrid dream like this, perhaps, that the chief of police of St. Petersburg barked the silent steed with 17 "regulations."

The new rules say that no bicyclist shall perform in public until he or she has been registered. No person can be registered without passing "an examination on the wheel" before one of the seven cycling associations. Then the wheel receives a number, which must be attached to it in two places.

The rider must be always armed with the police "permit," which bears his photograph. He must carry a bell and a lantern. When several persons ride together, they must keep not less than 14 feet apart—a rule which proves that the Irish bull, as well as the American bicycle, has been naturalized in Russia. When turning a corner or crossing a street the bicycle must be ridden very slowly, with bell-ringing accompaniment. In crowded streets riders must alight and lead their wheels, and they must do the same when horses take fright. In certain parts of the city bicycling is at no time permitted. In other sections the police may enjoy it temporarily. "Riding in the city in a racing costume, without a coat, or in such a costume as would attract special attention, is prohibited."

The natural comment on all this is that some of the restrictions are absurd, and that, with or without laws, courtesy and common sense would inspire a gentleman to observe those of the rules that are essential.

But there are others. Possibly Russia, like America, has to reckon with the problem of the hoodlum bicyclist. The "tough" who scorchers in the city, raids gardens and orchards in the country, and in all places invades the rights of decent people, because decency is a reproach to him. What shall be done with him?

In St. Petersburg, perhaps, the police send him to Siberia. In Chicago the wheelmen themselves have taken him in hand, and gentlemen named by the various cycling clubs have been appointed special policemen, to cooperate with the regular officers for his suppression.

The Chicago method is more Democratic than the St. Petersburg plan, and it will yield quite as good results. Once they perceive that the antics of the hoodlum bicyclist endanger the standing of the sport, the gentlemen riders of America will most emphatically reform the rowdy—Y